

Child Abuse In the Foster Care System



GENESEO

Isabel Fry at the State University New York at Geneseo
Faculty Sponsored by Dr. Eunju Kang
American Social Welfare Policy



GENESEO

The Problem

There's no doubt that the foster care youth of America is perhaps the most at-risk population. Between being removed from their home life to being thrown into a house with complete strangers, then bouncing from foster home to foster home, the mental health of this target population is in shambles from a young age. In order to deal with the multitude of mental health issues this target population faces, foster parents often turn to the prescription of psychotropic drugs. Although this may seem like the right thing to do, it has turned into a form of child abuse, as the amount of prescriptions these individuals are taking far exceed what is needed. In an article written by Chris Kardish titled, "How America's Overmedicating Low-Income and Foster Kids," Dr. Allen Brenzel reflected on this crisis by saying, "'I remembered thinking you shouldn't be on more medications than your age'" (Kardish, 2015).

Among the population of youths in foster care who are taking at least one psychotropic medication...

- 41% received **three or more** classes of medications at the same time
- 22% received multiple medications within the same class of medications
 - This has been shown to **dramatically** increase the likelihood of an adverse reaction

Walter, H. J., & DeMaso, D. R. (2018). Fostering the Initiation of Discretionary Psychotropic Medication Reviews By Child Welfare Caseworkers. *Child Welfare*, 96(4), 23–45.

Unlike with the prescription of medications for people outside of the foster care system, for children within the foster care system, a child psychiatrist is not needed to prescribe psychotropic drugs, at least in Indiana. Once a child psychiatrist was consulted, the prescription rate fell dramatically
Consultation with child psychiatrist helps reduce overprescribing and off-label prescribing to foster youth. (2019). *Brown University Child & Adolescent Psychopharmacology Update*, 21(9), 4–5.

The over prescription of psychotropic drugs is child abuse as there are too much, too many, too young, without a clear diagnosis to begin with.

Important Laws, Policies, and Court Cases

- Pletcher vs. The People (1869)**
 - The premise of this Supreme Court case was a father confining his disabled son to their cellar during the winter months. The father of the son claimed it was within his parental rights to do with his son as he pleased.
 - As a result of this Supreme Court case, it was ruled that parents may have autonomy over raising their children but must do so with reason and humanity.
 - Pletcher vs. The People was a very important court case because it was the first time in history parental rights had boundaries imposed on them (Yang, Ortega 2016).
- Child Abuse and Prevention Act (CAPTA) of 1974**
 - This Act made it a requirement for states to have formal policies for detecting and responding to child maltreatment.
 - Also stated in this Act was that the federal government was overall in charge of overseeing and enforcing the detection and treatment of child maltreatment.
 - CAPTA was the first time that child maltreatment would formally be a crime in the eyes of the government (Yang, Ortega 2016)
- Child Welfare Act (CWA) of 1979**
 - CWA expanded previously passed CAPTA by stating each child in the foster care system must have "unique identifiable tracking information, goals for family reunification, and a limited the amount of time allowed for a child to achieve a permanent placement" (Yang, Ortega 2016).
 - This made it harder for foster children to slip through the cracks, which makes it easier for them to be abused and neglected by their foster family.
- The Child and Families Services Improvement and Innovation Act of 2011 (Pub. L. No. 112-341)**
 - Signed into law by President Barack Obama, the Child and Families Services Improvement and Innovation Act of 2011 to "...require states to develop protocols and monitor the use of psychotropic drugs for children in foster care" (Harris, 2014).

Policy Proposal

Many of the problems in foster care stem from underqualified and overworked child welfare workers, as well as a lack of standards the welfare system must meet. Child welfare workers are faced with extreme stressors, and do not have the appropriate supports in place to train them and prepare them to carry out their job to the best of their ability. A direct result of their lack of training and standards results in abuse in the foster care system. Addressing these main issues will save this target population from undetected abuse and neglect within foster care.

Looking at New Mexico

My policy proposal is based on information that was included in an article published in the New York Times from March 2020.

- In 2018 fourteen children sued the state of New Mexico on the grounds that the state was ill equipped to adequately meet the needs of its foster care population
 - The foster children provided anecdotes of abuse and neglect they suffered during their time in the foster care system.
- New Mexico, unlike other states who have been sued for the same thing, agreed to essentially restart their entire foster care system to improve.
- New Mexico committed to making several changes in order to improve their foster care system such as:
 - Conduct **early screening** to diagnose and treat trauma
 - Enable better and easier **access** to health care
 - Place children in **culturally appropriate** settings
 - Provide more **training** for foster parents and case workers

As a direct result from these new strategies, New Mexico has not only become the first state to build a plan for foster care that is centered around the trauma of the youth coming in, but has also been able to double the amount of caseworkers in the state, and increase the amount of adoptions.

Source: LEVIN, D. (2020, March 27). New Mexico Revamps Its Foster Care With Focus on Those Most at Risk. *New*

New Mexico: A Template for a Solution

Child welfare is an extremely emotional field of work to go into, and those who chose to go into it must be given the proper support and training to execute their job efficiently, in order to protect the target population in question. Without the necessary tools, children's safety, and lives, are at stake. When case workers have too big of a caseload, they aren't physically able to pay enough attention to their cases, and that's exactly how children fall through the cracks and become abused and neglected within the system.

The way in which New Mexico has adopted a wholistic approach to the foster care youth is the approach that every state should be taking. The over prescription of psychotropic medications without a legitimate basis has the high probability of causing life long damaging neurological effects on this population. Taking medicines from the same class only causes more harm than good, as it skyrockets the likelihood of an adverse reaction. This population is only being prescribed the amount of medicines that they are because the child welfare system does not want to take the time to monitor each child closely and see what medicines they need. This constituted child abuse within the foster care system because, according to the Pletcher vs. People Supreme Court ruling, children must be parented within reason and humanity, which is clearly being neglected in this case.

With my proposal, the Child Welfare Agencies will be held to the same standard that parents are held to on a day to day basis- treating their children with reason and humanity. All too often, with many other aspects of this broken system, reason and humanity are thrown out the window, at the expense of the target populations safety, and life. But it is not fair to blindly place the blame on the caseworkers, calling them neglectful without understanding probable causes for the neglect. Caseworkers across the country have far too many cases on their hands, and far too little training.

By using New Mexico as an example, providing training to caseworkers, and administering more comprehensive tests on foster children, only then can we hope to see a glimmer of hope towards change for the better for this target population.

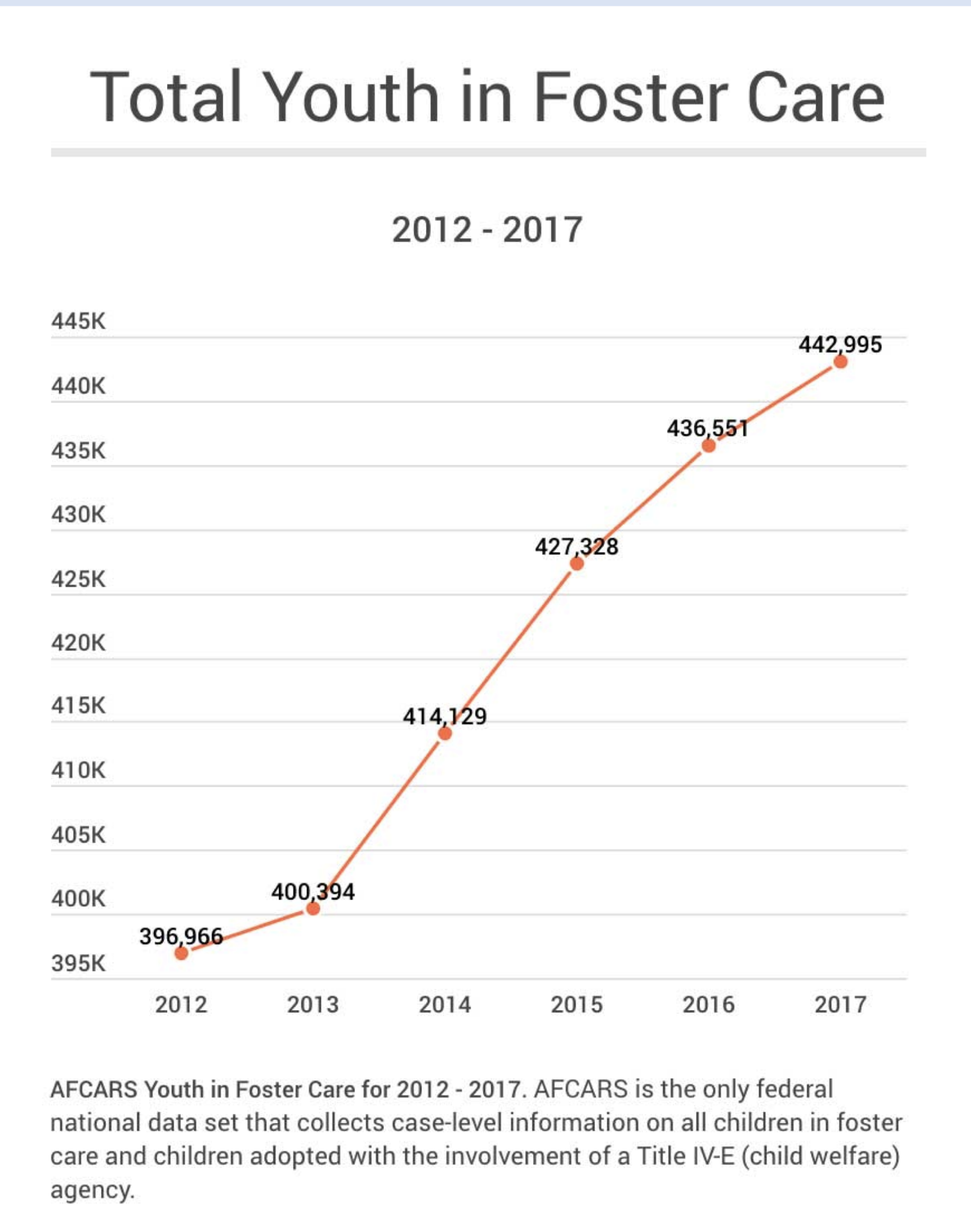
Prevalence of the Threat of Abuse in Foster Care in Texas

Table 1 Categorization and prevalence of move types based on placement end reason.			
	N	Prevalence	
		Percent of all moves	Percent of move type
<i>Progress moves</i>	12,321	29.05%	
Achieved therapeutic goal(s)	989	2.33%	8.03%
Child placed with relatives/ fictive parent	8637	20.36%	70.10%
Child placed with siblings	1791	4.22%	14.54%
Closer proximity to parent/ relative	27	0.06%	0.22%
Level of care lowered	877	2.07%	7.12%
<i>Non-progress moves</i>	30,095	70.95%	
Child hospitalized (medical or mental health reason)	1468	3.46%	4.88%
Child ran away	1996	4.71%	6.63%
Child's behavior	2539	5.99%	8.44%
Level of care raised	563	1.33%	1.87%
Child refused to stay in placement	284	0.67%	0.94%
CPS-initiated	246	0.58%	0.82%
Caregiver/Agency requested move	5744	13.54%	19.09%
Caretaker moved	229	0.54%	0.76%
Facility under adverse action	177	0.42%	0.59%
Placement closed	751	1.77%	2.50%
Removed due to risk of abuse	1579	3.72%	5.25%
Court ordered	220	0.52%	0.73%
Child returned to care	2880	6.79%	9.57%
Other	11,335	26.72%	37.66%
Unexplained gap in placements	84	0.20%	0.28%

Using data on all children who entered foster care in the state of Texas between the years 2008 and 2009, 1,579 foster children were moved to a different home based on "risk of abuse."

Font, Sarah A., et al. "Measurement and Correlates of Foster Care Placement Moves." *Children and Youth Services Review*, vol. 91, Aug. 2018, pp. 248–258. *ScienceDirect*.

Foster Care Entry Trend 2012-2017



Source: Kelly, John, et al. "For Fifth Straight Year, U.S. Foster Care Totals Were Up in 2017." *The Chronicle of Social Change*, 24 Jan. 2019, chronicleofsocialchange.org/child-welfare-2/for-fifth-straight-year-u-s-foster-care-totals-were-up-in-2017/32717.